



Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number:
P.C. – 8/12-02 Item:

File Number:
GP02-07-05

Council District and SNI Area:
7 – Tully/Senter

Major Thoroughfares Map Number:
100

Assessor's Parcel Number(s):
477-20-021, 030, 050, 132

Project Manager: Mike Mena

GENERAL PLAN REPORT

2002 SUMMER HEARING

PROJECT DESCRIPTION:

General Plan Amendment request to change the Land Use/Transportation Diagram from Medium High Density Residential (12-25 DU/AC) (8.6 acres) and Public Park/Open Space (13.1 acres) to High Density Residential (25-50 DU/AC) (5.0 acres) and Public Park/Open Space (16.7 acres) on a 21.7-acre site.

LOCATION: Easterly side of Senter Road, approximately 600 feet southerly of Needles Drive.

ACREAGE: 21.7

APPLICANT/OWNER:

Silicon Valley Advisors/Carroll R.L. Trustee & et al.

GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:

Existing Designation: Medium High Density Residential (12-25 DU/AC) (8.6 acres) and Public Park/Open Space (13.1 acres)

Proposed Designation: High Density Residential (25-50 DU/AC) (5.0 acres) and Public Park/Open Space (16.7 acres)

EXISTING ZONING DISTRICT(S): Agriculture, LI-Light Industrial

SURROUNDING LAND USES AND GENERAL PLAN DESIGNATION(S):

North: Office – Industrial Park with Mixed Industrial Overlay

South: Industrial and Auto uses – Light Industrial

East: Coyote Creek and Yerba Buena High School – Public Park/Open Space and Public/Quasi-Public

West: Commercial/Industrial uses – Heavy Industrial with Mixed Industrial Overlay

ENVIRONMENTAL REVIEW STATUS:

Mitigated Negative Declaration to be adopted on August 12, 2002.

PLANNING STAFF RECOMMENDATION:

- Light Industrial on 5.0 acres
- Public Park/Open Space on 16.7 acres

Approved by:
Date:

PLANNING COMMISSION RECOMMENDATION:

CITY COUNCIL ACTION:

CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:

- Fire Department – Comment Memorandum dated, April 17, 2002, identifies requirements, which will need to be met at the development review stage.
 - Department of Transportation – There are no long-term traffic impacts associated with the proposed amendment.
 - Department of Parks, Recreation and Neighborhood Services – Supportive of a General Plan amendment that may facilitate a property swap between the City owned property that front on Senter Road and the adjacent Carroll property.
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GENERAL CORRESPONDENCE:

- Mr. Henry Cord (via email/telephone) – Mr. Cord expressed concern that the site and the surrounding area should be preserved for exclusively industrial uses and the incompatibility of the proposed residential use on the subject site.
 - Mr. John B. DiNapoli/JP DiNapoli Companies, Inc. – Letter dated July 11, 2002 expressing opposition to the proposed General Plan amendment and stated that a residential development on the site would be inconsistent with the surrounding uses.
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ANALYSIS AND RECOMMENDATIONS:**PROJECT DESCRIPTION**

This is a privately initiated General Plan amendment to change the Land Use/Transportation Diagram from Medium High Density Residential (12-25 DU/AC) on 8.6 acres and Public Park/Open Space on 13.1 acres to High Density Residential (25-50 DU/AC) on approximately 5 acres and Public Park/Open Space on 16.7 acres. The proposed amendment includes two City-owned parcels that may be exchanged with an adjacent landowner along the Coyote Creek (see map).

The existing and proposed residential designations are:

Medium High Density Residential (12-25 DU/AC) – This density is typified by two-story apartments and condominiums with surface parking, although structures of greater height with compensating amounts of open space would be possible.

High Density Residential (25-50 DU/AC) – This density is typified by three-story apartments or condominiums over parking.

Light Industrial – The Light Industrial designation is intended for a wide variety of industrial uses and excludes uses with unmitigated hazardous or nuisance effects. Examples of uses within this designation include warehousing, wholesaling, and light manufacturing.

BACKGROUND

During the 2002 Spring General Plan Hearing, the City Council approved a change to the land use designations adjacent to and south of the subject amendment site from Industrial Park with Mixed Industrial Overlay to Light Industrial. These and related changes were made to better reflect the existing uses and preserve the area for exclusively industrial uses.

Site and Surrounding Uses

Four homes or structures (e.g., wooden barn) currently exist on the west side of Coyote Creek, which runs through the center of the project site. The portion of the project site west of the creek is designated as Public Park/Open Space, and zoned A-Agricultural and LI-Light Industrial. The project area east of Coyote Creek is currently vacant and is designated as Medium High Density Residential (12-25 DU/AC) and Public Park/Open Space. The eastern portion of the site is zoned A-Agricultural. The adjacent property to the north has a General Plan designation of Industrial Park with Mixed Industrial Overlay and is occupied by the Santa Clara County Department of Social Services and Cal Works Employment and Training Center. Approximately 600 feet northerly of the site is the Rock Springs residential neighborhood, designated High Density Residential (25-50 DU/AC). Yerba Buena High School is located on the eastern boundary of the proposed amendment site. Properties to the south of the site are designated Light Industrial and are largely made up of industrial uses, which include a metal fabricator, machine shops, assembly and manufacturing facilities and other industrial users. Properties to the west of the site and across Senter Road are designated Heavy Industrial and encompass users such as a warehouse distribution center and big-box retail (Costco).

ANALYSIS

Land Use Compatibility

The proposed High Density Residential (25-50 DU/AC) designation for the portion of the site fronting Senter Road is incompatible with the existing and planned industrial land uses in the vicinity of the site.

Introducing a residential use into this established industrial area would likely result in complaints about noise, odors, industrial traffic, use of hazardous materials, and other potential impacts of industrial operations. Potential future complaints may result in restrictions being placed on these businesses, which would impact the viability of the area for industrial development. Development of residential uses on the site would result in land use incompatibilities. To maintain the industrial character of the area, staff is recommending a change from Public Park/Open Space to Light Industrial for the approximately 5-acre portion of the site, which fronts on the easterly side of Senter Road.

Staff supports the applicant's request to change the portion of the site currently designated Medium High Density Residential (12-25 DU/AC) to Public Park/Open Space. This portion of the site is separated from the nearby industrial uses by Coyote Creek. A designation of Public Park/Open Space on the eastern portion of the site would be compatible with the existing school and the planned Coyote Creek Trail on that portion of the site.

Policy Consistency

The proposed residential land use is not consistent with the Economic Development Major Strategy and many goals and policies of the General Plan. The proposed General Plan land use change would introduce residential uses adjacent to an area planned for exclusively industrial uses. Future development of the site with a high density residential use would not be consistent with the Residential Land Use goals and policies regarding protection of residents from incompatible uses. Policy #2 states that residential neighborhoods should be protected from encroachment of incompatible activities or land uses which may have a negative impact on the residential living environment. The proposed residential land use does not conform with Urban Conservation Policy #2 that encourages new development which enhances the desirable qualities of the community and existing neighborhoods. Placing a high density residential project on a portion of the subject site where the existing character of the area is industrial would not be consistent with this policy.

The proposed residential land use designation does not conform with Industrial Policy #11 that states because of the importance in retaining viable industrial supplier/service lands and the inherent incompatibility between residential or non-industrial uses and industrial uses, new land uses that may restrict development of land reserved exclusively for industrial uses should not be allowed to located adjacent to these areas of the City. In addition, the proposed residential designation does not conform with Industrial Policy #15 to reserve industrial areas for exclusively industrial uses to the extent possible. Introducing the potential for residential development on this site may be interpreted by neighboring industrial property owners as an indication that the area is no longer viable for exclusive industrial use, prompting future proposals to convert adjacent industrial properties to other non-industrial designations. Industrial Policy #16 states that only industrial uses, which are incidental to and totally compatible with primary industrial uses, should be allowed in industrially designated areas. The proposed residential use is clearly inconsistent with this policy. The proposed amendment is contrary to recent efforts to preserve industrially designated land in the vicinity of the amendment site. Therefore, staff proposes that a more appropriate designation for the portion of the site fronting Senter Road would be Light Industrial.

The remainder of the site is recommended to be designated Public Park/Open Space, as proposed by the applicant, reflecting the importance of the riparian corridor along the creek for open space and trail use as identified by the City Council adopted Greenprint. The Greenprint is an adopted improvement plan for parks and community facilities and programs. The proposed Public Park/Open Space on the eastern portion of the site is also consistent with the Coyote Creek Trail alignment identified on the General Plan's Scenic Routes and Trails Diagram.

Environmental Issues

Mitigated Negative Declaration to be adopted on August 12, 2002. The proposed project would not result in significant environmental impacts with the implementation of General Plan policies regarding air quality, biological resources, cultural resources, geology and soils, hazardous materials, hydrology and noise.

PUBLIC OUTREACH

The property owners within the project boundaries and/or property owners within a 1000-foot radius were sent a newsletter regarding the two community meetings that were held on July 8 and 10, 2002. They also received a hearing notice of the public hearings to be held on the subject amendment before the Planning Commission in August and City Council in September. In addition, the Department's web-site contains information regarding the General Plan process, amendments, staff reports, and hearing schedule. This site is used by the community to keep informed with the status of the amendments.

Comments received by staff at the subject community meeting(s) addressed the impacts that a residential development would have on the neighboring industrial properties. Business owners and representatives of the industrial users in the subject area expressed concern that introducing new residential development into the area would negatively impact the desirability of the area for future industrial users.

RECOMMENDATION

Planning staff recommends Public Park/Open Space on the 16.7-acre eastern portion of the site and Light Industrial on the 5.0-acre western portion of the site that fronts on Senter Road.

Attachments